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REMARKS

This Amendment is being filed concurrently with an RCE.

The Office Action mailed June 26, 2008, has been carefully reviewed and, by this Amendment, Applicants have canceled claims 2-4, 9 and 15, amended claims 1, 10, 19 and 20, and added claims 21-24. Claims 1, 5-8, 10-14 and 16-24 are pending in the application. Claims 1, 10 and 21 are independent.

Applicants filed an Amendment on September 25, 2008 ("the September Amendment") which the Examiner, by Advisory Action of November 3, 2008 ("the November Advisory Action"), did not enter. Accordingly, Applicants are not requesting entry of the September Amendment but are withdrawing the same in favor of the presently submitted Amendment.

Returning to the Final Action of June 26, 2008, the Examiner objected to the drawings as containing a reference character not mentioned in the description. With this Amendment, Applicants have amended the description to refer to reference numeral "25". Accordingly, withdrawal of the drawing objection is requested.

The Examiner rejected claims 1, 2, 4, 6, 7 and 9 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,714,225 to Hansen et al. ("Hansen"), and rejected claims 3, 5, 8 and 10-20

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under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of U.S. Patent No. 5,486,158 to Samuelsen.

As amended herein, claim 1 provides an adhesive patch for adhering to the skin to cover a portion of the anatomical surface of a living being. The patch includes a central first area that is bounded by an outer border and a central hole, and a second area that surrounds the first area and is separated or distinguishable therefrom by the outer border of the first area. A third area adjacent the rim of the patch has an inner border that surrounds the second area and is separated or distinguishable from the second area by this inner border. The resulting generally annular third area is covered by a pattern of curvilinear indentations. The *central area is provided with a first set of indentations that encircle the central hole and radial indentations* that cross the first set of indentations. This is not shown by the prior art.

Hansen discloses a skin plate product made of a plurality of material units 1, 2. As acknowledged by the Examiner, Hansen does not disclose a central area of the skin plate product having radial indentations. Accordingly, the Examiner has cited Samuelsen as disclosing radial indentations in the central area.

Respectfully, Samuelsen does not disclose or suggest a central area having radial indentations. On the contrary, Samuelsen discloses a generally circular dressing, the central part

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4 of which has a *substantially uniform* thickness (see column 2, lines 55-57). The only radial indentations or grooves 2 shown by Samuelsen are those shown in Figure 4 which are clearly not in the central area 4.

Further, and contrary to the Examiner's statement, it would not have been obvious, in view of Samuelsen, to provide the central area of Hansen with radial indentations. Samuelsen is directed at providing a dressing with a high moisture absorbing capacity and good flexibility (see the Abstract; column 1, lines 31-34). The flexibility is provided by the grooves 2, 3 positioned around and *outside of* the central part 4. The high moisture absorbing capacity, on the other hand, is needed in the center of the dressing, i.e., in the central part 4, under which the wound is to be positioned. And Samuelsen explicitly teaches that the "central part 4 has a *uniform maximum* thickness" (emphasis added) (column 2, lines 54-56). Hence, the person of ordinary skill in the art, when reviewing Hansen and Samuelsen would, at most, think to modify Hansen to include radially directed indentations in the *edge portions* of the dressing, although even this is unlikely since Hansen is directed to an entirely different problem than that being addressed in Samuelsen. In any event, there is nothing in either Hansen or Samuelsen to suggest including *radial indentations*

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in the central part of Hansen. Accordingly, for at least these reasons, claim 1 is patentable over the prior art.

As amended herein, claim 10 provides a wound dressing having a central area and a thinner edge area that are respectively provided with indentations having different patterns. The indentations in the edge area are in the form of a pattern of curvilinear indentations that *extend to and meet the rim* at angles of other than 90° and 180° which, together with the smaller thickness, increase the flexibility in the edge area. The curvilinear pattern and the angles of other than 90° and 180° at which the indentations meet the rim also act to resist the propagation of folds or wrinkles along straight lines that could result in leakage of wound exudate outside the dressing (see page 8, lines 10-16).

Finally, new claim 21 provides an adhesive patch for adhering to the skin to cover a portion of the anatomical surface of a living being. The patch includes a central first area that is bounded by an outer border and a central hole, a second area that surrounds the first area and is separated or distinguishable therefrom by the outer border of the first area, and a third area adjacent the rim of the patch having an inner border that surrounds the second area and is separated or distinguishable from the second area by this inner border. The central first area has a pattern of

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indentations including indentations that encircle the central hole as well as crossing radial indentations. The second area has a substantially uniform thickness without indentations. The third area is covered by a pattern of curvilinear indentations having two or more series of curvilinear indentations that intersect with and cross each other in a cross-hatched pattern so as to form angles with the patch rim that are other than 90° and 180° . As with claim 10, this structure is not shown or suggested by the prior art.

In rejecting claim 10, the Examiner stated that Applicants have not provided any criticality to the inclusion of different patterns in the central and edge areas, and that the different patterns do not solve a specifically stated problem or provide an unforeseen advantage. Applicants request reconsideration of this statement.

As discussed in the specification on page 5, lines 19-25, when applying a bandage to a joint that is frequently bent, flexibility is very important to enable the dressing to adapt to the contour of the skin without being loosened. Indentations may be included to provide flexibility but, if these indentations meet the border of the bandage at 90° or 180° , the bandage is more likely to be loosened by perpendicular forces. To overcome this problem, the present invention discloses a pattern of curvilinear indentations in which the lines do not form angles with the border

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of 90° degrees or 180° degrees (page 7, lines 11-20). This claimed curvilinear pattern, particularly when formed of two or more series of curvilinear indentations that intersect and cross one another, provides a very high degree of flexibility in the border area (see page 8, lines 10-16).

In the central part of the bandage, on the other hand, radial indentations provide a stiffening or enforcing effect which protects the wound. When combined with a set of indentations that encircle the central part, a desired degree of flexibility is produced in the central part to counteract the enforcing effect of the radial indentations (see page 8, lines 4-8).

Clearly, Applicants have disclosed criticality to the claimed patterns and to the use of two different patterns in the central and edge areas, respectively. Neither Hansen nor Samuelsen suggest different indentation patterns in central and edge areas. In fact, neither Hansen nor Samuelsen discloses an indentation pattern in the central area, at all.

Furthermore, neither Hansen nor Samuelsen disclose a pattern of curvilinear indentations in the outer edge area that *extends to the rim of the bandage*. The Examiner stated that "the radial indentation in the third (area) would obviously be able to intersect the rim of the patch and make an angle of less than 90 degrees, which also would extend the pattern to the rim of the

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patch." Since the only radial elements present in the combination of Hansen and Samuelsen are the grooves 2 of Samuelsen, Applicants presume the Examiner is stating that because the grooves 2 could, if Samuelsen were redesigned, be physically extended to the outer rim of the Samuelsen bandage, these grooves meet the claimed limitation. With all due respect, *such a modification is not shown or suggested by either Samuelsen or Hansen.*

Samuelsen discloses grooves 2 as only extending between two adjacent concentric grooves 3 in the mid-area of the bandage. The outermost of these adjacent grooves is separated from the edge of the bandage by an ungrooved annular area. The grooves or ditches 2, 3 are formed to provide flexibility. However, since the bandage of Samuelsen is also intended to provide high moisture absorbing capacity, the skilled person would not be motivated to extend the grooves to the outer rim of the bandage as doing so would provide channels through which wound exudate could leak. Hence, the Examiner's statement regarding the physical possibility of extending the grooves to the bandage rim does not take into account the disclosure of Samuelsen which would, in actuality, lead the skilled person away from the Examiner's suggested modification.

In this regard, the Examiner stated in the November Advisory Action that "the grooves would not cause leakage because the wound would still be under the device *and the grooves would*

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draw the fluid away from the site" (emphasis added). Applicants agree with the emphasized text but do not understand how this drawing of fluid away from the wound *toward the edges of the dressing* can be found to not cause leakage. The fact that the wound is still under the device does not have any bearing on whether fluids are likely to leak out the edges of the dressing. Respectfully, if the grooves draw fluid toward the edges of the dressing in a straight line, they will provide a channel through which wound exudate could leak. Hence, the skilled person would not modify Samuelson to have the grooves extend to the rim of the dressing as the Examiner has suggested. Further, there is nothing in Samuelsen or Hansen, but only in Applicants' own disclosure, to suggest the *curvilinear* indentations in the edge area as claimed.

For at least the foregoing reasons, claims 10 and 21 are also patentable over the prior art. The pending dependent claims are in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

More particularly with reference to claims 13, 16 and 20, the prior art does not disclose a pattern of curvilinear indentations in the third area that cross over one another to form a *cross-hatched* pattern. In the November Advisory Action, the Examiner stated that the grooves in Samuelsen cross one another

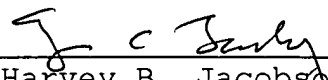
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because they span the widths of one another. While Applicants do not agree with this interpretation since there is nothing to suggest that the radial indentations do any more than *abut* the circular indentations, clearly Samuelsen does not disclose or suggest a pattern of indentations in which the indentations cross over one another fully so as to form a *cross-hatched* pattern. Favorable reconsideration of claims 13, 16 and 20 is therefore requested.

With the foregoing amendments and remarks, the captioned application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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Date: December 24, 2008
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